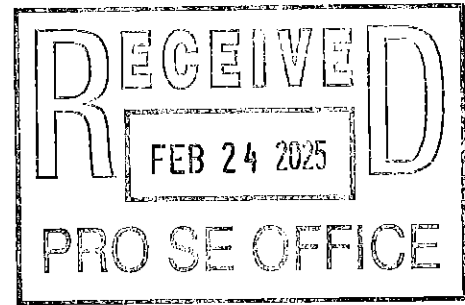


Lucio Celli  
89 Widmer Road  
Wappingers Falls, NY 12590  
Lucio.celli.12@gmail.com



January 22, 2025

Hon. Robert Lehrburger  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Violations of Title VII, Title IX, ADA, and Section 504 Due to Retaliation, Denial of Pension Disability, and Health Insurance with the UFT continuing to deprive me access to insurance makes my complaint nonfrivolous because it is grounded in fact and law**

*Case Title: Lucio Celli v. New York City et al.*  
*Case No.: 2024-cv-09743*

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**Dear Magistrate Judge Lehrburger,**

I am writing to formally document and address the unlawful retaliation I have suffered at the hands of the **United Federation of Teachers (UFT)** and the **New York City Department of Education (DOE)**, which has resulted in the deprivation of my **health insurance**, my **pension disability benefits**, and my **constitutional rights**. These actions constitute clear violations of **Title VII of the Civil Rights Act**, **Title IX of the Education Amendments of 1972**, the **Americans with Disabilities Act (ADA)**, and **Section 504 of the Rehabilitation Act**.

Additionally, I want to clarify the distinction between **frivolous complaints and complaints with merit**, as the legal claims I am asserting are well-grounded in law and fact.

### **Frivolous vs. Meritorious Complaints**

A **frivolous complaint** is one that lacks any legal basis, is not supported by facts, or is filed with an improper purpose, such as to harass, delay, or burden the opposing party. Courts generally consider a complaint frivolous if:

1. It is **not grounded in fact** – The allegations made have no evidentiary support or are entirely baseless.
2. It **lacks a reasonable legal argument** – Even if the facts were true, the claim would not support a valid legal cause of action.

3. It is **filed in bad faith** – The complaint is brought for ulterior motives, such as retaliation or to needlessly prolong litigation.
4. It is **repetitive or previously adjudicated** – The issue has already been decided by a court.

The U.S. Supreme Court has addressed frivolous litigation in **Neitzke v. Williams, 490 U.S. 319 (1989)**, holding that a complaint is frivolous when it "lacks an arguable basis either in law or in fact." Similarly, in **Gallop v. Cheney, 642 F.3d 364 (2d Cir. 2011)**, the **Second Circuit** reaffirmed that baseless claims should not be entertained by courts.

In contrast, a **complaint with merit** presents a legitimate legal claim supported by evidence and applicable law. A meritorious complaint meets the following criteria:

1. **Plausible Factual Basis** – The allegations are supported by credible evidence or reasonable inferences drawn from known facts.
2. **Legal Sufficiency** – The complaint properly states a claim that, if proven, would entitle the plaintiff to relief under the law.
3. **Good Faith Filing** – The complaint is brought with a genuine belief in its validity, not for improper purposes.
4. **Jurisdiction and Standing** – The plaintiff has the legal right to bring the claim, and the court has jurisdiction over the matter.

The Supreme Court established a standard for evaluating meritorious complaints in **Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)**, which requires complaints to contain "enough facts to state a claim to relief that is plausible on its face."

## **Factual Allegations of Retaliation and Civil Rights Violations**

1. **Retaliation and Health Insurance Denial**
  - The UFT and DOE prevented me from accessing my health insurance, causing me HIV drug resistance due to the inability to maintain necessary treatment.
  - The retaliation stemmed from an incident involving a penis picture, which was improperly used as a pretext to target me.
  - Friedman's aide admitted that the UFT's actions, led by Randi Weingarten, were retaliatory in nature, confirming that they sought to harass me at work, at home, and on the internet.
2. **Denial of Pension Disability Benefits**
  - The UFT and DOE actively blocked me from filing for pension disability, despite my eligibility.
  - This denial of benefits falls under Title VII, Title IX, the ADA, and Section 504, as it was done in retaliation for protected activity and due to my medical condition.
3. **Judicial Misconduct and Wage Theft**
  - Judge Brian Cogan assisted the UFT in stealing over \$200,000 in wages from me and depriving me of all constitutional rights.

## Legal Violations

### Title VII of the Civil Rights Act (42 U.S.C. § 2000e-3(a)) – Retaliation

- **42 U.S.C. § 2000e-3(a)** makes it unlawful for an employer or labor organization to **retaliate** against an employee for engaging in protected activity.
- In **Burlington N. & Santa Fe Ry. Co. v. White**, **548 U.S. 53 (2006)**, the Supreme Court held that retaliation includes **denial of benefits or adverse employment actions meant to deter complaints**.

### Title IX of the Education Amendments (20 U.S.C. § 1681) – Sex-Based Retaliation

- Title IX prohibits discrimination based on sex, including employment-related retaliation (**Jackson v. Birmingham Bd. of Educ.**, **544 U.S. 167 (2005)**).
- The **penis picture incident** was used as a **pretext for sex-based retaliation** under this statute.

### ADA and Section 504 – Denial of Disability Benefits & Retaliation

- Under **42 U.S.C. § 12112(b)(5)(B) (ADA)**, employers **cannot deny benefits based on disability or retaliate** for asserting disability rights.
- In **Raytheon Co. v. Hernandez**, **540 U.S. 44 (2003)**, the Supreme Court held that **denying employment benefits based on disability can be discriminatory retaliation**.
- In **Equal Employment Opportunity Commission v. Bloomberg L.P.**, **967 F. Supp. 2d 816 (S.D.N.Y. 2013)**, the Second Circuit held that **denying benefits as retaliation is unlawful**.

## Demand for Remedies

The actions taken by the UFT, DOE, and Judge Cogan **constitute blatant violations of federal law** and have caused **severe financial, emotional, and medical harm**. I demand the following immediate remedies:

1. **Immediate restoration of my health insurance** to allow me to access necessary medical treatment.
2. **Reinstatement of my pension disability rights** and a fair evaluation of my eligibility for disability benefits.
3. **Compensation for the \$200,000 in stolen wages** and damages for the deprivation of my rights.
4. **Legal accountability for those involved** in the retaliation, including Randi Weingarten and UFT officials.

Failure to address these violations will result in **legal action in federal court** seeking damages, injunctive relief, and punitive measures against the responsible parties.

I know that Your Honor will not consider the facts, but I am now without insulin, and if the Court does not intervene, my health will continue to be compromised by the Defendant. My complaint is not frivolous, and the Defendants are not harming you. I make my allegation against you because you have already deemed the fact that I am HIV drug resistant as being frivolous.

---

**Sincerely,**  
Lucio Celli

A handwritten signature in black ink, appearing to read 'Lucio Celli', written in a cursive style.

**From:** Welfare Fund - claims dentalhelp@uftwf.org  
**Subject:** RE: New retiree—card [ ref:I00D1U0108On.I500U00IR2mY:ref ]  
**Date:** February 7, 2025 at 1:26 PM  
**To:** enzo0mad@aim.com  
**Cc:** hhcbenefits@nychhc.org

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Dear Lucio,

Thank you for your inquiry to request a new dental card for your UFT Welfare Fund Dental plan.

Your UFT Welfare Fund dental insurance is called the Scheduled Benefit Plan. There is no dental card with this plan. In this plan your claims are processed by Cigna. Your ID is your Social Security Number. If you don't want to use that, you also have an alternate ID number that begins with a "U" which is U12516780. Cigna's phone number is 800.577.0576.

You can locate in-network SIDS providers at [www.uftdental.com](http://www.uftdental.com) (a dynamic database). Alternatively there is a SIDS directory here <https://www.uft.org/files/attachments/uftwf-directory-participating-dentists.pdf>

If you use participating panelists you are only responsible for defined copays based on our Dental Schedule. Some of the services have copays, and some do not.

If you do go out of network, you will pay the dentists' full price, and can then file claims with Cigna for reimbursement based on the Schedule.

Our Dental Schedule is here: <https://www.uft.org/files/attachments/uftwf-dental-schedule.pdf>

The claim form is here: <https://www.uft.org/files/attachments/uftwf-dental-claim-form.pdf>

If needed, there are instructions on how to complete it here:

<https://www.uft.org/sites/default/files/attachments/uftwf-dental-claim-form-instructions.pdf>

Sincerely,

Velera Johnson  
UFT Welfare Fund/Dental Unit  
52 Broadway 7th Floor  
NY, NY 10004  
Phone: 212-539-0500  
Email: [dentalhelp@uftwf.org](mailto:dentalhelp@uftwf.org)

??????

----- Original Message -----

**From:** Lucio [enzo0mad@aim.com]  
**Sent:** 2/7/2025 12:08 PM  
**To:** dentalhelp@uftwf.org; hhcbenefits@nychhc.org; healthbenefithelp@uftwf.org; rxhelp@uftwf.org  
**Subject:** New retiree—card

Hello

I need the new cards for retiree

765918 file number

Sent from the all new AOL app for iOS

ref:I00D1U0108On.I500U00IR2mY:ref



**From:** Welfare Fund - claims dentalhelp@uftwf.org  
**Subject:** Re: New retiree—card [ ref:I00D1U0108On.I500U00IR2mY:ref ]  
**Date:** February 12, 2025 at 2:47 PM  
**To:** enzo0mad@aim.com  
**Cc:** hhcbenefits@nychhc.org, enzo0mad@aim.com

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Dear Lucio,

As a retired member you no longer get prescription coverage through Welfare Fund.

To find out who covers your prescriptions contact the Office Of Labor Relations at (212) 513-0470.

Have a great day!

Velera Johnson

----- Original Message -----

**From:** Lucio [enzo0mad@aim.com]  
**Sent:** 2/12/2025 2:07 PM  
**To:** dentalhelp@uftwf.org; enzo0mad@aim.com  
**Cc:** hhcbenefits@nychhc.org  
**Subject:** Re: New retiree—card [ ref:I00D1U0108On.I500U00IR2mY:ref ]

I need a card for the prescription

Sent from the all new AOL app for iOS

On Friday, February 7, 2025, 1:26 PM, Welfare Fund - claims <dentalhelp@uftwf.org> wrote:

Dear Lucio,

Thank you for your inquiry to request a new dental card for your UFT Welfare Fund Dental plan.

Your UFT Welfare Fund dental insurance is called the Scheduled Benefit Plan. There is no dental card with this plan. In this plan your claims are processed by Cigna. Your ID is your Social Security Number. If you don't want to use that, you also have an alternate ID number that begins with a "U" which is U12516780. Cigna's phone number is 800.577.0576.

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If you use participating panelists you are only responsible for defined copays based on our Dental Schedule. Some of the services have copays, and some do not.

If you do go out of network, you will pay the dentists' full price, and can then file claims with Cigna for reimbursement based on the Schedule.

Our Dental Schedule is here: <https://www.uft.org/files/attachments/uftwf-dental-schedule.pdf>

The claim form is here: <https://www.uft.org/files/attachments/uftwf-dental-claim-form.pdf>

If needed, there are instructions on how to complete it here:

<https://www.uft.org/sites/default/files/attachments/uftwf-dental-claim-form-instructions.pdf>

Sincerely,

Velera Johnson  
UFT Welfare Fund/Dental Unit  
52 Broadway 7th Floor

NY, NY 10004  
Phone: 212-539-0500  
Email: [dentalhelp@uftwf.org](mailto:dentalhelp@uftwf.org)

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Sent from the all new AOL app for iOS

ref:I00D1U0108On.I500U00IR2mY:ref